

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-701

April 9, 2002

PUBLIC UTILITIES COMMISSION  
Construction Standards and Ownership  
and Cost Allocation Rules for Electric  
Distribution Line Extensions (Chapter 395)

ORDER FINALLY  
ADOPTING RULE AND  
STATEMENT OF  
POLICY BASIS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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In this Order, we finally adopt a rule governing the construction standards and ownership and cost allocation for electric distribution line extensions.

On January 29, 2002, the Commission provisionally adopted a rule on construction standards and ownership and cost allocation for electric distribution line extensions (the line extension rule). Because the rule was denominated as a "major substantive" rule by 35-A M.R.S.A. § 314(5), it required legislative approval under 5 M.R.S.A. §§ 8071-8074. In compliance with those provisions, the Commission submitted the rule to the Legislature for its approval. On March 21, 2002, Governor King signed into law Resolve 2001, ch. 83, which authorizes final adoption of the line extension rule.

Although the Resolve authorizes the final adoption of the line extension rule, it also requires that changes be made to the language of the rule when finally adopted. The changes required by the Resolve have been made in the final rule. The Resolve is attached to this Order. We note that the resolve states three locations in the Rule at which the 10-year period for applying the allocation method of section 9 must be changed to 20 years. There are, however, three other locations in section 9 that refer to the 10-year period. Failure to correct these would result in internal inconsistencies within the Rule. Based on Committee discussions at the work session on February 28, 2002, we are certain the Committee intended that the allocation period be changed to 20 years throughout section 9. We have therefore made the changes at the three other locations.

Accordingly, we

ORDER

1. That the attached Chapter 395, Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, is hereby finally adopted; and
2. That the Administrative Director shall file the finally adopted rule and related materials with the Secretary of State; and

3. That the Administrative Director shall send copies of this Order and attached rule to:

- A. All electric utilities in the State;
- B. All persons who have filed with the Commission within the past year a written request for notices of rulemakings;
- C. All persons who have filed comments in Docket No. 2001-701; and
- E. The Executive Director of the Legislative Council (20 copies).

Dated at Augusta, Maine, this 9<sup>th</sup> day of April, 2002.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent  
Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.